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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,538	09/09/2000	Paul Robert Williams	1136/190-P00028US	3472
757	7590	05/02/2006	EXAMINER	
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			CHAU, COREY P	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action Before the Filing of an Appeal Brief</b>	Application No.	Applicant(s)	
	09/658,538	WILLIAMS, PAUL ROBERT	
	Examiner Corey P. Chau	Art Unit 2615	
<i>--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
<b>THE REPLY FILED 4/10/2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.</b>			
<p>1. <input checked="" type="checkbox"/> The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:</p> <p>a) <input checked="" type="checkbox"/> The period for reply expires <u>3</u> months from the mailing date of the final rejection.</p> <p>b) <input type="checkbox"/> The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.</p> <p>Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</p>			
<p>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p>			
<p><b>NOTICE OF APPEAL</b></p> <p>2. <input type="checkbox"/> The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</p>			
<p><b>AMENDMENTS</b></p> <p>3. <input type="checkbox"/> The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because</p> <p>(a) <input type="checkbox"/> They raise new issues that would require further consideration and/or search (see NOTE below);</p> <p>(b) <input type="checkbox"/> They raise the issue of new matter (see NOTE below);</p> <p>(c) <input type="checkbox"/> They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</p> <p>(d) <input type="checkbox"/> They present additional claims without canceling a corresponding number of finally rejected claims.</p> <p>NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).</p>			
<p>4. <input type="checkbox"/> The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</p>			
<p>5. <input type="checkbox"/> Applicant's reply has overcome the following rejection(s): _____. </p>			
<p>6. <input type="checkbox"/> Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</p>			
<p>7. <input checked="" type="checkbox"/> For purposes of appeal, the proposed amendment(s): a) <input checked="" type="checkbox"/> will not be entered, or b) <input type="checkbox"/> will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.</p> <p>The status of the claim(s) is (or will be) as follows:</p> <p>Claim(s) allowed: _____. </p> <p>Claim(s) objected to: _____. </p> <p>Claim(s) rejected: _____. </p> <p>Claim(s) withdrawn from consideration: _____. </p>			
<p><b>AFFIDAVIT OR OTHER EVIDENCE</b></p> <p>8. <input type="checkbox"/> The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</p>			
<p>9. <input type="checkbox"/> The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</p>			
<p>10. <input type="checkbox"/> The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.</p>			
<p><b>REQUEST FOR RECONSIDERATION/OTHER</b></p> <p>11. <input checked="" type="checkbox"/> The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See attached sheet.</u></p>			
<p>12. <input type="checkbox"/> Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____</p>			
<p>13. <input type="checkbox"/> Other: _____</p>			
 <b>VIVIAN CHIN</b> <b>SUPERVISORY PATENT EXAMINER</b> <b>TECHNOLOGY CENTER 2600</b>			

***Response to Arguments***

1. Applicant's arguments filed 4/10/2006 have been fully considered but they are not persuasive.
2. Applicant discloses the "support for decreasing/increasing the notch depth is provided on at least p. 19, lines 15-16". However, the specification on page 19, lines 15-16 discloses, "One embodiment uses a trial notch depth of 6dB. The trial notch depth is increased in depth in steps of 6dB when feedback is detected at the same frequency as the one already being filtered", which does not clearly support or equivalent to "**decreasing** a depth of the at least one digital filter if a magnitude of the at least one candidate signal of unwanted acoustical feedback is not reduced by a predetermined amount, such that the unwanted acoustical feedback in the space is reduced". Following the flow diagram of Fig. 11, in step 1108, "the magnitude is checked to see if it has been sufficiently reduced by comparing the reduction in magnitude at the candidate frequency to a predetermined value: TESTDROP". When the "magnitude of the at least one candidate signal of unwanted acoustical feedback is not reduced by a predetermined amount", the filter is set to bypass in step 1110 and the state flag is set to idle in step 1112. As discloses on page 18, "Once the TESTDROP comparison has failed, the filter bypassed, and the state set to Idle, the state machine routine and the filter are ready to be reassigned (in the same frame if necessary) to **another frequency**". "If the state flag is set to the idle state, (indicating that the filter is bypassed), then in step 1122 new filter parameters are set. The filter parameters may include **new frequency, bandwidth, and trial notch depth**". The specification does not clearly support "**decreasing** a depth of

the at least one digital filter if a magnitude of the at least one candidate signal of unwanted acoustical feedback is not reduced by a predetermined amount, such that the unwanted acoustical feedback in the space is reduced". It would be greatly appreciated if Applicant can provide where in the specification is "**decreasing** a depth of the at least one digital filter if a magnitude of the at least one candidate signal of unwanted acoustical feedback is not reduced by a predetermined amount, such that the unwanted acoustical feedback in the space is reduced" clearly supported.

3. With respect to Applicant's argument on page 13, stating that "Seki does not describe the readjusting step", has been noted. However, the Examiner respectfully disagrees. Applicant discloses "at least one digital filter", but does not clearly define what is the "at least one digital filter" in the claim, which the Examiner is free to broadly interpret this term in any manner consistent with the term, such as the notch filters reference number 3, wherein the notch filter 3 is readjusted when a new howling occurs, which reads on "readjusting the at least one digital filter".

4. With respect to Applicant's argument on page 14, stating, "Claim 19 describes at least one digital filter, and readjusting the same. Seki, on the other hand, describes employing subsequent filters to suppress howling if a first filter does not accomplish the suppression, as previously discussed", has been noted. However, the Examiner respectfully disagrees. See argument above.

***Conclusion***

5. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Division 2615. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey P. Chau whose telephone number is (571)272-7514. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on (571)272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 25, 2006  
CPC



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